

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2722

AN ACT

AMENDING TITLE 33, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1262; AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1815; RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 33, chapter 9, article 3, Arizona Revised Statutes,
3 is amended by adding section 33-1262, to read:
4 33-1262. Enforcement of unit owners' vote; attorney fees
5 A. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, THE
6 COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS FOR ANY UNIT OWNER WHO
7 FILES AN ACTION AGAINST THE BOARD OF DIRECTORS OF THE ASSOCIATION IF ALL OF
8 THE FOLLOWING APPLY:
9 1. THE LITIGATION WAS FILED TO ENFORCE A DECISION MADE BY A VOTE OF
10 THE UNIT OWNERS ON A MATTER THAT WAS REQUIRED BY THE CONDOMINIUM DOCUMENTS TO
11 BE DETERMINED BY A VOTE OF THE UNIT OWNERS.
12 2. THE BOARD OF DIRECTORS FAILED OR REFUSED TO COMPLY WITH THE VOTE OF
13 THE UNIT OWNERS.
14 3. THE UNIT OWNER WAS THE PREVAILING PARTY IN THE LITIGATION AGAINST
15 THE BOARD OF DIRECTORS.
16 B. THE COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO THE
17 ASSOCIATION IF THE ASSOCIATION IS THE PREVAILING PARTY.
18 Sec. 2. Title 33, chapter 16, article 1, Arizona Revised Statutes, is
19 amended by adding section 33-1815, to read:
20 33-1815. Enforcement of members' vote; attorney fees
21 A. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, THE COURT
22 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS FOR ANY MEMBER OF AN
23 ASSOCIATION WHO FILES AN ACTION AGAINST THE BOARD OF DIRECTORS OF THE
24 ASSOCIATION IF ALL OF THE FOLLOWING APPLY:
25 1. THE LITIGATION WAS FILED TO ENFORCE A DECISION MADE BY A VOTE OF
26 THE MEMBERSHIP ON A MATTER THAT WAS REQUIRED BY THE COMMUNITY DOCUMENTS TO BE
27 DETERMINED BY A VOTE OF THE MEMBERSHIP.
28 2. THE BOARD OF DIRECTORS FAILED OR REFUSED TO COMPLY WITH THE VOTE OF
29 THE MEMBERSHIP.
30 3. THE MEMBER WAS THE PREVAILING PARTY IN THE LITIGATION AGAINST THE
31 BOARD OF DIRECTORS.
32 B. THE COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO THE
33 ASSOCIATION IF THE ASSOCIATION IS THE PREVAILING PARTY.